

HOUSE BILL 1998
By McKee

AN ACT to impose a litigation fee to fund the establishment and maintenance of a county law library in Monroe County.

WHEREAS, Tennessee Code Annotated, Section 67-4-601 authorizes counties to levy a local litigation fee; and

WHEREAS, it would be in the best interest of Monroe County to establish a law library commission for the purpose of establishing and maintaining a law library; and

WHEREAS, the Monroe County legislative body has requested that the Tennessee general assembly pass such a private act for Monroe county; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. That there is hereby created a law library commission of Monroe County, Tennessee, which shall be composed of three (3) members, two (2) of which shall be attorneys enrolled to practice in all the courts of Monroe County, Tennessee, and maintaining a full-time law office within the territorial jurisdiction of said courts; the third member shall be the county executive.

The two (2) attorney members of said commission shall be elected by the members of the Monroe County Bar Association at its next regular meeting or special meeting called for that purpose on or after the effective date of this act, to serve until the next regular meeting of the Monroe County Bar Association at which bar association officers are elected. Thereafter, attorney members of the commission shall be elected annually by the membership of the Monroe County Bar Association at the same time that

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bar association officers are elected. The bar association shall give at least five (5) days notice of said election to all attorneys eligible for membership.

The members of the commission shall elect from among its membership a chairman and a secretary. The members of this commission shall receive no compensation for their services as such.

SECTION 2. That on or after the effective date of this act, a litigation fee not to exceed one dollar (\$1.00) shall be collected as part of the costs in all cases, both criminal and civil filed in all courts of Monroe County, Tennessee.

Said fee shall be collected by the clerk of each court and shall be paid to the trustee of Monroe County, Tennessee, who will place the same in a separate fund, which is to be designated as the "Monroe County Legal Library Fund". Expenditures from said fund for the purposes herein authorized and empowered shall be made by checks signed by the county executive upon the approval and authorization of the commission.

SECTION 3. That the commission shall have the following powers and authorities:

(a) To expend the funds hereby provided for the purpose of establishing and maintaining a law library for the use of the court, judges, public officials and attorneys.

(b) To acquire by gift, purchase, loan or otherwise, such codes, treatises, court reports, and other books, periodicals, and services which shall be deemed beneficial for those authorized to use the same.

(c) To acquire in like manner furniture, equipment and supplies for the establishment and operation of the law library.

(d) To make such rules and regulations governing the operation and use of the law library as the commission in its discretion deems necessary.

(e) The commission shall be responsible for the protection and safekeeping of the law library, its contents, equipment and supplies, and shall have authority to exclude from using the facilities of such library any persons who should cause any damage to the

equipment, fixtures and contents thereof, or who refuse to conform with the rules and regulations promulgated by the commission.

(f) To borrow money, buy on credit, and pledge the revenues from the fee hereinabove provided for the payment of the same.

(g) To set the amount of the litigation fee not to exceed one dollar (\$1.00) which shall be collected hereinbefore provided.

SECTION 4. That the commission shall hold regular meetings and special meetings upon the call of the chairman. Two (2) persons shall constitute a quorum and the affirmative vote of at least two (2) members shall be necessary for any affirmative action of the commission. The secretary shall keep the records of all meetings to reflect the action of the commission.

SECTION 5. That upon the termination of the commission, or any successor or successors to said commission, by an act of the general assembly or otherwise, the law library, its contents, equipment and supplies, and all other property obtained by Act of the Commission shall become the property of Monroe County for the use and benefit of the residents of said county.

SECTION 6. That if any provisions or clause of this Act or application thereof to any person or circumstances be held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect after the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

SECTION 7. That this Act shall have no effect unless the same shall be approved by a two-thirds (2/3) vote of the County Commission of Monroe County, Tennessee, at its next regular meeting held more than ten (10) days after its approval by the Chief Executive of this State. Its approval or non-approval shall be proclaimed by the county executive and shall be certified by him to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.